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| 10/663,818      | 09/17/2003  | Toshiaki Hata        | Q77067              | 4040             |

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EXAMINER

AU, SCOTT D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2612

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/663,818

Applicant(s)

HATA, TOSHIAKI

Examiner

Scott Au

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This communication is in response to applicant's response to an RCE , which is filed August 8, 2006.

An amendment to the claims 1-8 have been entered and made of record in the Application of Hata for a "Burglarproof device for vehicle" filed September 17, 2003.

Claims 1-8 are pending.

### ***Response to Arguments***

Applicant's amendments and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts to overcome the rejection of said claims under 35 U.S.C 35 U.S.C 103(a) as discussed below. Applicant's amendment and argument with respected to the pending claims 1-8 , filed August 8, 2006, have been fully considered but they are not persuasive for at least the following reasons.

On page 4, third paragraph, Applicant's argument with respect to the invention of Jonhson et al. that Jonhson et al. did not disclose the " activating the steering wheel lock", is not persuasive.

Johnson et al. is silent on teaching the operation of steering wheel locks as being released by an activation unit. Johnson does suggest steering wheel locks are recognized as an anti-theft system (col. 1 lines 29-31).

On page 4, fourth paragraph, Applicant's argument with respect to the invention of Mochida that Mochida did not disclose the "the steering wheel is not operated by the code that is transmitted from the portable device", is not persuasive.

Mochida teaches the portable wireless transmitter adapter to transmit a unique code stored in the transmitter for operating the steering wheel lock between locking and unlocking stage (col. 2 lines 40-55).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,5-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US# 5,977,654) in view of Mochida (US# 4,761,645).

Referring to claim 1, Johnson et al. disclose a burglarproof device for a vehicle comprising:

a portable transmitter (60) (i.e. transmitter) having a first switch (64) (i.e. switch) which transmits a preset first ID code (i.e. transmitted code); an activation unit (28) (i.e. control portion) for the vehicle which receives the first ID code from the portable transmitter, and collates the first ID code with a prestored second ID code such that the

operational device (i.e. start-up engine) for a vehicle; and an engine operation restraining unit (28) (i.e. control portion) which disables an engine operation based on a signal from the activation unit (col. 2 lines 23-45 and col. 5 lines 25-62). However, Johnson et al. is silent on teaching the operation of steering wheel locks as being released by an activation unit. Johnson does suggest steering wheel locks are recognized as an anti-theft system (col. 1 lines 29-31).

In the same field of endeavor of vehicle system, Mochida discloses a portable transmitter adapter to transmit a unique code for operating a steering lock actuator (col. 1 lines 8-17 and col. 2 lines 44-67).

One ordinary skill in the art understands that a portable transmitter adapter to transmit a unique code for operating a steering lock actuator between the locking and unlocking state of vehicle system of Mochida is desirable in the vehicle security system of Johnson et al. because Johnson et al. suggest the operation of steering wheel locks are recognized in the vehicle lock system (col. 1 lines 29-31) and Mochida discloses a portable transmitter adapter to transmit a unique code for operating a steering lock actuator between the locking and unlocking state (col. 1 lines 8-17 and col. 2 lines 44-67) in order to prevent theft and unauthorized operation.

Referring to claim 5, Johnson et al. in view of Mochida disclose the burglarproof device for a vehicle according to claim 1, Johnson et al. disclose wherein the engine operation restraining unit stops the operation of the engine by shutting of an ignition of the engine or a supply of a fuel to the engine (col. 1 lines 15-21).

Referring to claim 6, Johnson et al. in view of Mochida disclose the burglarproof device for a vehicle according to claim 1, Johnson et al. disclose wherein the engine operation restraining unit disables the operation of the engine if the engine transits from an operating state to a stopped state (col. 2 lines 23-30).

Referring to claim 8, Johnson et al. in view of Mochida disclose the burglarproof device for vehicle according to claim 1, Johnson et al. (col. 1 lines 29-31 and col. 5 lines 25-62) in view of Mochida (col. 1 lines 8-17 and col. 2 lines 44-67) disclose the release of steering wheel in lock state and disable the engine operation.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US# 5,977,654) in view of Mochida (US# 4,761,645) as applied to claim 1 above, and further in view of Flick (US# 6,827,642).

Referring to claim 2, Johnson et al. in view of Mochida disclose the burglarproof device for vehicle according to claim 1. Johnson et al. disclose arming or disarming the engine according to the signal transmitted from the transmitter (60) (col. 5 lines 54-63).

However, Johnson et al. in view of Mochida did not explicitly disclose wherein the portable transmitter has a second switch for transmitting a preset third ID code, in which the activation receives the third ID code from the portable transmitter, and collates the third ID code with a prestored fourth ID code, such that the engine operation restrain

unit disables the engine operation on the basis of the third ID code and the fourth ID code which collated.

In the same field of endeavor of vehicle security system, Flick discloses wherein the portable transmitter (30) (i.e. portable transmitter) has (i.e. a first switch for the vehicle locking unit, col. 5 lines 14-24) and a second switch (i.e. switch for engine starter unit, col. 50-58) for transmitting a preset third ID code, in which the activation unit receives the third ID code from the portable transmitter (30) (i.e. portable transmitter), and collates the third ID code with a prestored fourth ID code (i.e. id stored in the vehicle unit for engine operation), such that the engine operation restrain unit disables the engine operation on the basis of the third ID code and the fourth ID code which collated (col. 5 lines 37-59).

One ordinary skill in the art understands that having the portable transmitter with plurality of button switches (i.e. see Figure 2) operating to transmit the first to operate the locking unit and transmit the second signal to operate the engine unit of Flick is desirable in the vehicle security system of Johnson et al. in view of Mochida because Johnson et al. in view of Mochida and Flick both suggest operating the security of operating the lock and engine units (i.e. see Johnson et al., col. 5 lines 25-63 and see Flick, col. 5 line 15 to col. 6 lines 62). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include having the portable transmitter with plurality of button switches operating to transmit the first to operate the locking unit and transmit the second signal to operate the engine unit of

Flick in the security system of Johnson et al. in view of Mochida with the motivation for doing so would prevent unauthorized access of the vehicle.

Referring to claim 3, Johnson et al. in view of Mochida and Flick disclose the burglarproof device for vehicle according to claim 2, Mochida disclose wherein the steering wheel is restrained by an electromagnetic lock unit (col. 5 lines 37-50).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US# 5,977,654) in view of Mochida (US# 4,761,645) as applied to claim 1 above, and further in view of Walter (US# 6,275,141).

Referring to claim 4, Johnson et al. in view of Mochida disclose the burglarproof device for vehicle according to claim 1. However, Johnson et al. in view of Mochida did not explicitly disclose further comprising: an alarming unit for triggering alarm by sensing a vibration of the vehicle when the engine operation is disabled by the engine operation restraining unit.

In the same field of endeavor of vehicle security system, Walter discloses an alarming unit for triggering an alarm by sensing a vibration of the vehicle when the engine operation is disabled by the engine operation restraining unit (col. 21 lines 23-30).

One ordinary skill in the art understands that alarm sound when ignition is turned off of Walter is desirable in the vehicle security system of Johnson et al. in view of



Mochida because both Johnson et al. in view of Mochida and Walter suggest the restriction of operating the vehicle subsystems according the level of authoring access (i.e. see Johnson et al. col. 1 lines 24-61 and col. 1 lines 20-49). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include having alarm sound when ignition is turned off of Walter in the vehicle security system of Johnson et al. in view of Mochida with the motivation for doing so would notifying the surrounding that the vehicle is disabled.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US# 5,977,654) in view of Mochida (US# 4,761,645) as applied to claim 1 above, and further in view of Hwang (US# 5,760,680).

Referring to claim 7, Johnson et al. in view of Mochida disclose the burglarproof device for vehicle according to claim 1. However, Johnson et al. in view of Mochida did not explicitly disclose wherein the engine operation restraining unit disables the operation of the engine if the engine is not operated after operation of the engine if the engine is not operated even after the passage of a fixed time from a permission of the engine operation.

In the same field of endeavor of vehicle security system, Hwang discloses wherein the engine operation restraining unit disables the operation of the engine if the engine is not operated after operation of the engine if the engine is not operated even

after the passage of a fixed time from a permission of the engine operation (col. 1 lines 25-32).

One ordinary skill in the art understands that disables the operation of the engine if the engine is not operated after operation of the engine if the engine is not operated even after the passage of a fixed time from a permission of the engine operation of Hwang is desirable in the vehicle security system of Johnson et al. in view of Mochida because both Johnson et al. (col. 1 lines 15-41) in view of Mochida and Hwang (col. 1 lines 7-23) suggest the security of the vehicle to prevent unauthorized access. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include disables the operation of the engine if the engine is not operated after operation of the engine if the engine is not operated even after the passage of a fixed time from a permission of the engine operation of Hwang in the security system of Johnson et al. in view of Mochida with the motivation for doing so would prevent the vehicle from stolen.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

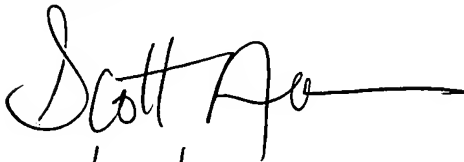
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached at (571) 272-2981. The fax phone numbers


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for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3050.

Scott Au

  
8/24/06

  
JEFFERY HORSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600